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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,906	08/18/2006	Mark Beckmann	2004P01470	2370

24131 7590 09/14/2010
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

MAPA, MICHAEL Y

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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09/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. The applicant has amended the following:

Claims: 14-23 and 25-26 have not been amended.

Claims: 1-13 and 24 have been cancelled.

Response to Arguments

2. Applicant's arguments filed 08/23/10 have been fully considered but they are not persuasive.

The applicant argues features wherein a method and system for controlling and evaluating message traffic of a communication unit, which comprises the steps of: transmitting all messages of the message traffic via a first network unit within a mobile radio system, the first network unit deciding, with an aid of at least one item of useful information of the communication unit, whether one or more of the messages are to be forwarded to a second network unit for further processing or are to be blocked; determining via the first network unit with the aid of at least one item of the useful information of the communication unit, whether a particular message of the message traffic is to be logged in a logfile by the first network unit; assigning a specific set of the useful information in each case to a user identity with the specific set of the useful information being used to control and evaluate at least one message of the message

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traffic of the communication unit; and allocating the user identity to an application of the communication unit.

3. Before addressing the applicant's arguments, the examiner would like to clarify the position taken with respect to the applied art:

Wang (US Patent Publication 2004/0203589) discloses a method and system for controlling messages in a communication network wherein Wang discloses processing the messages based on the identity of the sender and the receiver specified criteria wherein a message is designated as rejected, trusted or untrusted by applying the criteria and category indicator to the identity of the sender of the message and disposing of a rejected message, annotating an accepted message as trusted or untrusted and forwarding the accepted message for delivery to the receiver. Wang discloses having a message control system (MCS) (first network unit) receiving all the messages and processing the messages depending on whether to forward the message to the message server where the recipient (communication unit) can then receive the message or block and reject the message depending on the criteria and category indicator applied. Wang further discloses the criteria to include a white list signifying that the sender is trusted and the message to be forwarded to the message server or a blacklist signifying that the message is from an unwanted sender and the message is to be rejected and blocked wherein post processing is done such as logging, pattern analysis, etc. on the rejected message. Wang continues to disclose

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that each criterion such as white list/blacklist is subscriber/receiver (communication unit) specific wherein the subscriber/receiver is able to modify the list accordingly via any interface such as the receiver's terminal (communication unit).

With regards to the applicant's arguments that Wang fails to disclose and teach "allocating the user identity to an application of the communication unit" or "the user identity being allocated to an application of the communication unit" because Wang only teaches allocating the user identity to a message being sent by the communication unit and that the user identity is not allocated to an application of the communication unit and in particular, Wang teaches associating an authentication certificate with the originating message and this authentication certificate identifies the sender of the message, therefore Wang fails to teach the claimed limitations. The examiner respectfully disagrees. Wang discloses a mobile device sending and receiving SMS messages as well as the MCS deriving the identity of the sender of the originating message and comparing the sender identity with the white list and black list owners to either process the message and send it to the receiver or reject the message, therefore the user identity of the mobile devices are allocated to the SMS application of the mobile device so that when sending a message, the message is able to identify which mobile device to send the message to (recipient user identity) using the user identity in the message as well as being able to identify where the message originated (sender user identity).

With regards to the applicant's arguments that Wang fails to teach or disclose "transmitting all messages of the message traffic via a first network unit within a mobile

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radio system, the first network unit deciding, with an aid of at least one item of useful information of the communication unit, whether one or more of the messages are to be forwarded to a second network unit for further processing or are to be blocked” and assigning a specific set of the useful information in each case to a user identity, with the specific set of the useful information being used to control and evaluate at least one message of the message traffic of the communication unit (emphasis added). and similarly fails to teach and disclose “a processing unit for deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of useful information of the communication unit, be forwarded to a second network unit for further processing or can be blocked, said processing unit further deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of the useful information of the communication unit, be logged y the first network unit in a logfile, with a specific set of the useful information being assigned to a user identity in each case, with the specific set of useful information being used to control and evaluate at least one of the messages of the message traffic of the communication unit, and with the user identity being allocated to an application of the communication unit” (emphasis added) because as applicant points out in claims 14 and 23, whether a message is forwarded depends on “at least one item of useful information of the communication unit” and applicant’s believe that it is clear that Wang do not teach determining whether a message is forwarded based on “at least one item of useful information of the communication unit” and rather Wang teaches determining whether a message is forwarded based on a white list / black list stored in the processing agent of the MCS

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where each white list / black list is associated with a subscriber and shows the subscriber preferences as to the senders that will be allowed to send messages to the subscriber and as such, it is clear that whether a message is forwarded is based on information relating to the subscriber or receiver of a message. This subscriber or receiver is analogous to the second network unit in claims 14 and 23 and in contrast, claims 14 and 23 specify whether a message is forwarded is based on useful information of the communication unit, which is the unit transmitting the message to be forwarded. The examiner respectfully disagrees. The system of Wang discloses an MCS (first network unit) receiving traffic messages wherein the MCS determines if the messages are to sent to the Message Server (second network unit) so that the Message Server can process and send the message to the receivers terminal (communication unit) if the messages have the user identity of the sender that are found on the white lists or are to be blocked if the messages have the user identify of the sender in the black list (useful information of the communication unit). Each lists are associated to a list owner (communication unit) wherein the list owner such as the receiving terminal (communication unit) can add / modify / delete entries in the lists used by the MCS by using the interface in the receiver's terminal (communication unit). Therefore, the white and black lists created by the list owners such as the receiving terminal (communication unit) are a set of useful information of the communication unit which are assigned to the user identity of the communication unit. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., claims 14 and 23

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specify whether a message is forwarded is based on useful information of the communication unit, which is the unit transmitting the message to be forwarded) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim limitations are broadly written and only state a communication unit without specifying if the communication unit is the unit transmitting the message to be forwarded. Therefore, applicant's arguments are towards limitations which are not present in the claimed invention and as such the examiner interprets the claims to be any communication unit as presented in the rejection provided using the Wang reference.

With regards to the applicant's arguments that the invention by claim 19 and 21 would not have been suggested by the combination of the cited prior art for the reasons given above with regards to the teaching in Wang. The examiner respectfully disagrees. As with the explanations provided above Wang discloses all the argued limitations of the claimed invention. Therefore the combination made with Wang in view of Bandini for claim 19 and Wang in view of Patil for claim 21 would have been obvious to one of ordinary skill in the art as can be seen with the reasons provided for the combination in the previous office action.

4. Therefore, the argued limitations read upon the cited references or are written broad such that they read upon the cited references.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/
Examiner, Art Unit 2617